

NEWBURYPORT SUPERIOR COURTHOUSE  
200TH ANNIVERSARY  
AND CELEBRATION OF HISTORIC RENOVATION

*September 16, 2005*

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I wish to begin by acknowledging some of the many gathered here for this historic occasion: Lieutenant Governor Healey; the other state and local officials who have joined us, many of whom have already been mentioned by name; Chief Justice Mulligan and Chief Justice Rouse; Commissioner Perini of the Division of Capital Asset Management; Justice Welch and the entire, dedicated staff of the Newburyport Superior Court. Special thanks to all those who have worked so hard to plan this celebration and to make possible the renovation of this magnificent, historic building.

The "birthday" we celebrate here today is one of three birthdays I want to recognize. The first, of course, is the 200<sup>th</sup> birthday of the Newburyport Superior Courthouse, the oldest continuously operating courthouse in the nation. The second, which falls on October 25, is the 225<sup>th</sup> birthday of the Massachusetts Constitution – the oldest written constitution in the world still being enforced. The third: today our nation celebrates Constitution day<sup>1</sup>, a day dedicated to honoring the United States Constitution.

First, this building. Designed originally by one of our country's greatest architects, Charles Bulfinch, its immense architectural significance has withstood the changes to his original design. As Justice Welch has noted in his elegant history of this courthouse, in this building some of our Commonwealth's greatest lawyers, John Quincy Adams, Daniel Webster, Rufus Choate, and others tried their cases. Perhaps most important, this building is a vivid, physical reminder of the constancy of our judicial system, the constancy of an independent judiciary.

When this building opened in 1805, the people could look and exclaim: This is a

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<sup>1</sup> Constitution Day is September 17. However, so that the holiday falls on a school day, it is being celebrated this year on September 16.

courthouse, a building eminently suitable for the administration of justice. Today we may make the same statement.

There have been vast changes in our society since 1805. Our world would be unrecognizable, incomprehensible in so many aspects to those who witnessed the building's opening in 1805. At least one aspect has not changed, however: how we render justice. We have improved how we administer justice, certainly. We have opened up to women and minorities the closed professions of lawyers and judges. We now summon all to serve as jurors, not only men, which would have been the case in 1805. But the act of doing justice – of how we judge – has not changed.

This we owe to John Adams and his mighty invention<sup>2</sup>, an independent judiciary. A free people and a stable government require, in the words of the Massachusetts Constitution he drafted, judges "as free, impartial and independent as the lot of humanity will admit," who serve "as long as they behave themselves well," and whose salaries are "established by standing laws." Only then may we be "a government of laws and not of men." Under our Constitution for the past two hundred and more years, in courthouses such as this, the independent judiciary of Massachusetts has administered laws impartially, and protected the property and liberty rights of all our people.

Consider slavery, perhaps the greatest scourge on our history. In 1783, a short three years after the ratification of our Constitution, the Supreme Judicial Court abolished slavery by

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<sup>2</sup> This phrase was coined by Justice Benjamin Kaplan on the occasion of the 300<sup>th</sup> Anniversary of the Supreme Judicial Court. See Justice Kaplan, "Introduction: An Address," in *The History of the Law in Massachusetts: The Supreme Judicial Court 1692 - 1992*, edited by Russell K. Osgood (1992).

judicial decree.<sup>3</sup> "All men are born free and equal ..." The opening words of the new Massachusetts Constitution. The Supreme Judicial Court decreed that all slaves in Massachusetts were to have the same right to liberty as others.

The Supreme Judicial Court did not reach its result in a vacuum. Right here in Newburyport, three years before the Revolutionary War began, a slave sought his freedom, in a case filed in Newburyport, in the Essex County Court of Common Pleas. This case, Caesar v. Greenleaf (1773), brought by prominent Newburyport attorney John Lowell,<sup>4</sup> helped pave the way for the Supreme Judicial Court's abolition of slavery a decade later. In the year this courthouse opened, 1805, noted abolitionist William Lloyd Garrison was born here in Newburyport. Growing up in this free state, Garrison became a leader in the movement to abolish slavery throughout this nation.

I invite you – encourage you – to visit the home page of the Supreme Judicial Court to wander through our new online education resource center that reviews this fascinating history and more.

Today, on National Constitution Day, we will all renew our commitment to learning about our shared constitutional history, a history that has made the United States of America the most free country in the world. The preservation of great buildings such as this helps us to recall our shared history. They are visible structures that can teach many lessons.

The Justices of the Supreme Judicial Court and of the Appeals Court are honored to be in our first year of residence in the splendidly restored John Adams Courthouse in Boston. Every

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<sup>3</sup> Commonwealth v. Jennison (1783).

<sup>4</sup> See John J. Currier, *History of Newburyport, Massachusetts: 1764 - 1905* (vol. I) (1906) at pp. 69-70.

day, my colleagues and I recall those who preceded us, and honor their legacy as we, like they, seek to resolve the difficult questions of law brought to our courts. Here in Newburyport you share this same good fortune: To have this wonderful building as a constant visual reminder of our shared legacy.

One hundred years, two hundred years. For those of us who have passed into a new millennium, we know that time is short. I am honored to be here today to honor our history.

Thank you.